

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT ERICKSON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

A PLACE FOR MOM, INC., a Delaware
corporation,

Defendant.

No. C16-0742 RAJ

STIPULATION AND ORDER FOR
DISMISSAL OF PLAINTIFF ROBERT
ERICKSON'S CLAIMS AND
DEFENDANT A PLACE FOR MOM,
INC.'S COUNTERCLAIM PURSUANT TO
FRCR 41(a)(1)(ii)

RELIEF REQUESTED

The parties to this action hereby stipulate to Plaintiff Robert Erickson's dismissal of his claims against Defendant A Place for Mom, Inc. ("APFM") with prejudice, the claims of any putative class members without prejudice, and dismissal of Defendant's counterclaim against Plaintiff without prejudice pursuant to FRCP 41(a)(1)(ii).

STATEMENT OF FACTS

Robert Erickson is presently the only named plaintiff in this putative class action based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). No class has been certified in this action. APFM has made a counterclaim for declaratory relief against Erickson. The parties to this action hereby stipulate to the voluntary dismissal of Plaintiff’s TCPA claims against Defendant and to Defendant’s counterclaim against Plaintiff.

AUTHORITY

This motion is made pursuant to Fed. R. Civ. P. 41(a)(1)(ii) & (c), which provide that an action may be dismissed without a court order “by filing a stipulation of dismissal signed by all parties who have appeared.”

Additionally, a Fed. R. Civ. P. 41 dismissal may be subject to the provisions of Fed. R. Civ. P. 23(e) regarding voluntary dismissal or settlement where a class has been certified. However, because no class has been certified in this action, the provisions of Fed. R. Civ. P. 23(e) do not apply.

CONCLUSION

WHEREFORE, Plaintiff Robert Erickson and Defendant APFM hereby voluntarily dismiss the claims and counterclaims pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

DATED this 15th day of August, 2016.

STIPULATED and AGREED to by all parties to this action.

FOR PLAINTIFF

s/ Clifford A. Cantor, WSBA #17893

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ATTORNEYS FOR PLAINTIFF AND THE
CLASS

*Pro hac vice application to be filed

FOR DEFENDANT

s/ James F. Williams, WSBA #23613

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JSnall@perkinscoie.com

Attorneys for Defendant
A PLACE FOR MOM, INC

PURSUANT TO THE FOREGOING,

IT IS SO ORDERED.

DATED: _____

Honorable Richard A. Jones

CERTIFICATE OF SERVICE

CAROL KNESS states as follows:

1. I am a litigation secretary at the law firm of Perkins Coie LLP, have personal knowledge of the facts set forth herein and am competent to testify thereto.

2. I certify that on the 15th day of August, 2016, I made arrangements to file the foregoing STIPULATION AND ORDER FOR DISMISSAL OF PLAINTIFF ROBERT ERICKSON'S CLAIMS AND DEFENDANT A PLACE FOR MOM, INC.'S COUNTERCLAIM PURSUANT TO FRCP 41(a)(1)(ii) with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

ATTORNEYS FOR PLAINTIFF AND THE CLASS

Cliff Cantor, WSBA #17893
Law Offices of Clifford A. Cantor, P.C.
627 – 208th Ave., SE
Sammamish, WA 98074
Telephone: 425.868.7813
cliff.cantor@outlook.com

3. On the same day, I made arrangements to deliver the same to counsel of record via email and/or U.S. Mail:

ATTORNEYS FOR PLAINTIFF AND THE CLASS

Steven L. Woodrow (*pro hac vice* application to be filed)
Patrick H. Peluso (*pro hac vice* application to be filed)
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STIPULATION & ORDER FOR DISMISSAL
PURSUANT TO FRCP 41(a)(1)(ii) – 6
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Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
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1 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the United States
2
3 of America that the foregoing is true and correct.
4

5 DATED this 15th day of August, 2016.
6

7 By: s/Carol Kness
8 Carol Kness, Litigation Secretary
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